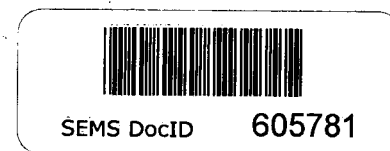


North Beverly Environmental Action Committee  
Dominic Manzoli Secretary/Archivist  
775A Cabot Street  
Beverly, MA 01915



March 26, 1999

Mr. John DeVillars, Regional Director  
Environmental Protection Agency  
Region 1  
J.F. Kennedy Federal Building  
Boston, MA 02203

Dear Mr. DeVillars:

On April 3, 1998 we wrote you at length about the contaminated sites west of the Wenham Lake Reservoir, 3 of which currently appear on the EPA's Cerclis List. In our letter we also described other contaminated sites that should have been slated for investigation as well. In addition, we described DEP inaction -- and failure because of its inaction -- to conduct investigations of all of the sites and to follow up on its mandate to the City of Beverly to conduct a comprehensive groundwater investigation in order to reveal linkage of all of the airport area toxic sites. A 1996 study undertaken for the Beverly Airport Commission (an extension of the municipal government) stated:

"... According to a representative of Ransom Environmental of Newburyport, Massachusetts, consultants for the Beverly Municipal Airport, a groundwater divide is located at the Beverly Municipal Airport. According to topographic maps for the area, it appears that a groundwater divide is located through the center of the airport, which ultimately runs through the Site\*. Groundwater located east of the divide would have an initial northerly flow, but would ultimately flow in an easterly direction toward Wenham Lake. Groundwater located west of the divide appears to have a southerly flow direction. ..."

\*(Note: The "Site" referred to in this paragraph is to either property on Burley Street, Wenham.)

“(Notice of Project Change: Property and Easement Acquisition, Beverly Municipal Airport: EOE A #9026, August 1997. “Dufresne-Henry - Wenham, Massachusetts January 11, 1996 - 431161”, p. 10)

(Note that this modern study repeats statements made in historical records: the groundwater flow for the reservoir originates at the divide within the 100 foot hills, i.e., Beverly Airport and Cherry Hill.)

We shall not repeat all of the issues cited in our April 3, 1998 letter, a copy of which is enclosed: that letter speaks for itself. To our surprise -- and consternation -- someone on your staff responded on your behalf to our letter and suggested that we direct our concerns to the DEP Northeast Regional Office -- the very organization that has refused to commence investigations and to immediately complete remediation of the contaminated sites -- an intolerable situation that has continued for 24 years in spite of the many letters we have addressed to them enclosing significant data. As we have stated, we cannot comprehend how that DEP office has allowed a municipal government to thwart its mandate for a comprehensive groundwater study to show any potential linkage between all of the toxic sites upgradient of the reservoir. Why has a serious threat to public health continued?

To our extreme concern -- and that of other citizens, not affiliated with us -- the DEP Northeast Regional Office in 1997 granted developers (one of them, the City of Beverly) a permit to allow the construction of an Airport Industrial Connector Road (cited in our April 3, 1998 letter to you) **through the reservoir's aquifer** (groundwater flowing east from the divide). Construction of this road began in January, 1999 and has rapidly progressed because of our mild, snow-free winter. We registered a strong protest to Mr. Stephen Johnson, the DEP official whom we have repeatedly warned about the probability of contamination to the reservoir (refer to a copy of our February 17, 1999 letter to him, enclosed). We subsequently wrote to Mr. James C. Colman, Assistant Commissioner, Bureau of Waste Site Cleanup, at DEP's Boston office (a copy of our March 3, 1999 letter to him is also enclosed). In our letter to Mr. Colman, we attached 50 pages of exhibits, some of which we enclose in this letter. Note especially the Beverly Assessors' Map, which identifies all of the sites referred to in the present letter. May we add that we have more documentation and many photographs in our files.

All of the material we have enclosed provides EPA with substantial background information. We urge that your office immediately conduct its own **comprehensive investigations** of the Beverly Municipal Airport area -- investigations into:

- (1) the linkage between groundwater and all of the contaminated sites,
- (2) the contaminated sites not on the Cerclis List,
- (3) the blue/black fly ash resembling the fly ash in DEP MCP Site #31319 (see attached photos and paragraph 2, p. 4, of our March 3, 1999 letter to Mr. Coleman).

We also urge your office to investigate the Beverly Airport Industrial Connector Road presently under construction (Ref.: EOEA #10578, FEIR; DEP File No. 5-582; 401 Certificate Transmittal No. 117145). We believe the Clean Water Act (404/401) has been violated because the developers have been permitted to disregard 401 criteria; namely, that construction of Beverly Airport industrial park (called "Garden City Industrial Park" by Beverly officials), which this connector road will serve, must be viewed as a single and complete project including multi-phased activities and must not be

done in separate phases. Please do not refer this letter to the DEP Northeast Regional Office, because heretofore that office has ignored its responsibility for a secure public drinking water supply by granting all permits, including the 401 permit, that have allowed this industrial road to be constructed through the Wenham Lake Reservoir Aquifer.

To our knowledge about the 401 permit, a road cannot be permitted and then lots be individually permitted once potential sites along the road have been prepared. Under 401, road and building lots must all be considered as a whole. In our letter to Mr. Coleman, we described on pages 3 and 4 extensive blasting, excavating, filling -- rearrangement of topography that has been done -- in order to prepare this entire site, which is unsuitable for an industrial park. One of the large, interconnected wetlands has already been cut in 2 and partially filled, in spite of what appears to be serious blue/black fly ash deposits still visible along side of the road construction in this area, referred to in plans as wetlands number 2. The other large, interconnected wetlands will be severely impacted and will not be functional, i.e., they will be changed because of the interrupted water flows originating from the 100 foot hills, the recharge area immediately above them (the divide). Indeed, the developers (one of them, the City of Beverly) have exceeded the amount of preparation work that would be needed. The degree of topographical change that would be required was not revealed at public hearings on this project.

Public funding for this project has been obtained. How can public funds be used to destroy the environment and to ultimately (as we believe) contaminate a public drinking water supply for 80,000 people? We urge -- we plead -- you to initiate and conduct comprehensive investigations immediately. EPA must get involved. Citizens of Salem, Beverly, and Wenham must not endure a repetition of the tragedy that occurred in Woburn, MA when the drinking water in that community became contaminated. Our old filtration plant is capable of treating bacterial contamination; it cannot treat chemical contamination. Several years ago we looked into the cost of a chemical filtration plant: \$200 million was the figure cited. None of the communities who drink water from this reservoir can afford such a price tag! Please help us!

For the committee,

*Dominic Manzoli*  
Dominic Manzoli

encs.

# The North Beverly Environmental Action Committee

Dominic Manzoli

775-A Cabot Street, Beverly, MA 01915

April 3, 1998

Mr. John Devillars, Regional Director  
Environmental Protection Agency -- Region 1  
J. F. Kennedy Federal Building  
Boston, MA 02203

*copy*

Dear Mr. Devillars:

Because of several events that have occurred in the last two years, we, the North Beverly Environmental Action Committee (NBEAC), feel compelled to write this letter regarding the toxic site clean-up in the Beverly Municipal Airport area. We believe the public has been excluded from participating in an active, on-going role in the remediation of the three toxic sites that appear in the EPA Circles List: the Beverly Municipal Airport, the abandoned Army NIKE/Casco Chemical Co. site, and the Vitale Illegal Land-Fill. Massachusetts General Law 21E Initiative # 4 requires that there be public input, yet City of Beverly officials and the state Department of Environmental Protection (DEP) have precluded the public from such participation (see chronology that follows).

Today, as in the past, the NBEAC's concern is that contamination in all past location sites in the airport area be identified, that the extent of the contamination be defined, and that all migration paths in soils and in bedrock be investigated and disclosed. Obviously the present Scope of Work proposed for a current investigation is limited and does not cover sites pinpointed in earlier studies. In the years 1967-1996, 56 studies have been published at a probable cost of more than \$1 million of public monies. We believe that a public drinking water supply (the Wenham Lake Reservoir), which serves 80,000 people in three communities (Beverly, Salem, and parts of the Town of Wenham), has been compromised, yet to date it is not known to what extent because a definitive study identifying and linking all airport toxic sites has not been issued. But the most serious oversight is that groundwater flows in soils and within bedrock have not been identified because a comprehensive investigation has not been conducted in the municipal airport area. On April 18, 1989, the DEP wrote to NBEAC that it had mandated the City to do a hydrogeological study of groundwater flows throughout the airport area in its May 10, 1988, letter. The City has never complied with this mandate; the DEP has never enforced it.

Officials' flagrant disregard of the need for such a critical study is totally reprehensible. We have long contended that this study is fundamental to determine where remediation must take place and whether industrial development can actually be allowed in the airport vicinity because the entire area is the aquifer to the Wenham Lake Reservoir. City officials and the DEP dismiss it as the Bass River watershed -- a semantic turn of words that ignores the groundwater flows from the 100-foot western hills eastward to the reservoir at elevation 32 feet, approximately 2,000 feet away.

And now let us describe the events that have prompted this letter.

**May 1, 1996:** Ransom Environmental, Inc., consultants hired by the City, issued a "Phase 1 Initiative Investigation Report" to the DEP outlining a

Scope of Work to be conducted in the Beverly Airport area. This Scope of Work mirrored a Stone & Webster report titled "EPA Region 1 Superfund Program Trip Report," which was published in April, 1996. The Ransom Phase 1 report inferred that it was a review of environmental studies done for the three airport contaminated areas on the Cerclis List, referred to above, yet the Ransom report did not include other contaminated areas on the airport itself, cited in a Tighe & Bond report dated April 4, 1989, titled "Proposed Work Plan for a Hydrogeological Study of Beverly Municipal Airport and Casco Site." (Although a public document, the Tighe & Bond report, which was unavailable to us for years, was finally acquired by the NBEAC on December 17, 1997.)

Because they obviously impact groundwater flows to the reservoir, these other contaminated areas described in the Tighe & Bond report must also be investigated in the Ransom Scope. They are as follows:

1) Airport Sewage Sand Bed Filters: Installed 50 years ago by the Navy during World War 2, these untreated sewage sand bed filters (misrepresented as a septic system) continued in use until June, 1992, when the airport sewage was redirected into an equally primitive 45-year-old open steel tank on the Army's original sewage disposal (also misrepresented as a septic system) serving its 2 barracks (the Gurnard buildings) at the toxic NIKE site.

2) Airport Dump: West of the sewage sand bed filters and south of the maintenance garage is an area which had reportedly been used as an airport dump site. This filled-in area can be seen in old aerial photos of the airport, where it appears that there may have been a pond or a wetland at this site at one time. Both surface and groundwater from this site flows through the sewage sand bed filter area.

3) Runway Dump: A site inspection undertaken by the Tighe & Bond consultant as well as old aerial photos indicate the potential for a 50-year-old dump or fill area at the edge of former Runway 22, which has been removed (approximately 900 feet northwest of the GTE Hanger.) The fill area is covered by piles of broken hot top, which lies above unidentified, possibly toxic, debris associated with airport activities. Over the years, residents have observed the area being filled.

The NBEAC request that EPA mandate the City and the DEP to include these areas in the Ransom Scope if DEP or city officials indicate their inclusion is not necessary. We feel EPA intervention is critical because these levels of government have acted irresponsibly in their obligation to the public with regard to the Wenham Lake Reservoir and its aquifer. We are forced to ask: Is the DEP doing the job the EPA is expecting them to do under Clean Water Act regulations?

**June 2, 1997:** NBEAC members appeared at the beginning of a City Hall meeting where the mayor and DEP Northeast Regional Office officials were waiting for the arrival of Ransom officials in order to discuss remediation of the three sites proposed in the Ransom Scope of Work. We asked these officials that we be allowed to talk to the City's consultant, Ransom, to learn where core borings, test pits, and monitoring wells would be sited. Because of our extensive files on the contaminated areas, we offered to confer with Ransom officials in the field in order to suggest additional areas of concern. We were assured that we would be involved in the investigation during the clean-up of the three toxic sites. We were encouraged by the officials' response that NBEAC would have an opportunity to confer with Ransom. Subsequently, however, although we have communicated with Ransom by telephone and correspondence, offering information from first-hand, on-site knowledge

and extensive files, there has been no response from Ransom who, by their silence, could be suggesting they are not interested in conferring with the public.

**June 27, 1997:** NBEAC members undertook a file search at the DEP Northeast Regional Office and, among other documents, retrieved the "Ransom Phase 1 Initial Site Investigation Report" from files under the state Freedom of Information Act. We were shocked that we had not been informed of this report's existence during our City Hall encounter with officials on June 2, 1997. Although the NBEAC had filed a petition with the DEP dated May 27, 1989, requesting to be included in any investigation of contaminated airport sites, under Massachusetts General Law 21E Initiative #4 (copy enclosed), the Ransom report made no provisions for Public Involvement Plan (PIP) meetings. NBEAC members learned of the Ransom report only because of a general DEP file search, which we undertake periodically.

**October 1, 1997:** A PIP meeting was held at the Second Congregational Church in Beverly. NBEAC again requested a field conference with Ransom officials in order to discuss areas of critical concern. Ransom outlined a proposal for the siting of test locations and wells and proposed to prepare a Scope of Work. The public was told that no further test wells could be added under this Scope of Work because the contract with the City allowed for only those wells and locations listed in the Scope. In other words, the NBEAC believe there was a predetermined number of wells and locations agreed to between city officials and Ransom for inclusion in this study, and any additional ones would not be allowed. We take strong issue with this limitation, suggesting that it appears to be a circumvention of a comprehensive investigation/remediation clean-up of the Beverly Municipal Airport toxic sites. Since these areas are on the EPA Cerclis List, we address the EPA thus: More money is again being spent -- and for what results? May we expect an answer to this question?

We have written EPA other letters citing past environmental violations and future hazards that could threaten the reservoir and believe that DEP has responded to EPA enquiries triggered by our letters because we have received EPA letters stating that the DEP would oversee any investigations contracted by the City. Again, the result? More studies of the area have been compiled, but no remedial action has ever taken place on the three toxic sites on the Cerclis List. Today, a limited Scope of Work is proposed, agreed to between city officials and Ransom Environmental with the apparent knowledge of the DEP. Is it not reasonable for us to expect that EPA will take an on-going, active role in a comprehensive investigation and remediation of the general Beverly Municipal Airport area? May we have a response from EPA to this question as well? We remind EPA that in an era when clean drinking water supplies are diminishing, our reservoir must not be destroyed by toxic substances and industrial development.

**October, 1997 - March, 1998:** During the last six months a developer has been seeking City approvals through the Beverly Municipal Airport Commission in order to redevelop the former Gurnard Machine Shop site, one of the sites to be investigated for past contamination (discussed at the PIP October, 1997, meeting). This former machine shop appears on the EPA Cerclis List as part of the NIKE/Casco Chemical Co. site. The developer obtained Beverly Planning Board approval for a proposed reuse as mini storage warehouses. We believe this approval, which we feel was premature, was contingent upon approval of the Beverly Conservation Commission.

At the present time the developer has been before the Commission since November. During the December Commission meetings, citizens objected that technical information was first presented at the meetings and the Commissioners were expected to render an immediate decision without time to study the data. (The usual procedure is for proponents to submit data so that it may be sent to the Commissioners one week before the meeting when the proponent's project is to be presented.) Citizens submitted documents to the Commission prior to its February 24 meeting (copies attached). These documents were never read into the record because of the developer's request for extensions.

In January and February, the developer requested an extension at each meeting, stating that he was working with the DEP trying to ascertain the extent of the contamination on the two-acre site. He failed to appear at the March 17 meeting and the Conservation Commission extended his application until its April 7 meeting.

This project has been facilitated in another way. In December, 1997, Ransom, with the approval of City officials, isolated this site for study before the comprehensive investigation on the three toxic sites could be completed. Citizens objected, stating that the Gurnard Machine Shop site should be kept within the scope and schedule of the testing for the three targeted areas in order to determine the extent of contamination and the extent of migration of contaminants into the Wenham Lake Reservoir and its aquifer. Citizens contended that it is impossible to isolate one site; to do so would skew results for the site and for the overall investigation of the other sites within the scope.

Citizens are puzzled by what appears to be apparent contradictions concerning the proposed mini storage warehouses project. How can a proponent be given preliminary permission from the City to proceed immediately on the project when testing has just begun on the total remediation of the three sites, of which the former Gurnard property, is an integral part? How can what appears to be a cursory approval for the project be submitted to the Beverly Conservation Commission by Ransom Environmental, whereupon the proponent requests extensions on the project for three months, while conferring with DEP officials on the degree of contamination on the site and adjoining sites? Since we believe DEP, Ransom, and the City to be working as a team to investigate the airport contaminated areas, was DEP in December not aware of the proposed reuse for the Gurnard Machine Shop site? Should any approvals have been granted without a PIP meeting? Is it appropriate that an environmental consultant under contract to the City intimidate the public by a warning that the report to the City is not intended for public view (see attached document, which accompanied the fragmentary piece of data submitted to the Beverly Conservation Commission for mini storage warehouses approval).

In closing, the NBEAC believe we are confronting a political situation because of official indifference to environmental and public health issues, both of which are inextricably linked to a clean drinking water supply. As an organization deeply concerned with both environmental and public health issues, we believe we can have a strong and positive role if we are allowed to share the knowledge we have acquired over the years.

We call upon the EPA, as the national administrator for the Clean Water Act, to look into some of the issues cited in this letter. Specifically, we would like to see a resolution of the following ones:

1) Long overdue, a comprehensive groundwater flow study of the Wenham Lake Reservoir Aquifer must be undertaken and completed by the City now while an investigation of the toxic sites is under way (cited on p. 1 of this letter).

2) The toxic site clean-up must be expanded to include three additional critical areas on the airport itself described in the Tighe & Bond report (referred to in the May 1 entry). In addition, the Ransom Scope of Work must not be limited by cost figures determined by city officials (cited in the October 1 entry).

3) The integrity of the investigation must be kept. The orderly scope and schedule must not be fragmented. To do so would skew results and would not be in the public interest (cited in the October, 1997 - March, 1998 entry).

We are sending a copy of this letter and enclosures to the persons listed below.

For the Committee,

Dominic Manzoli

Dominic Manzoli

encs.

cc: Carol Browner, Secretary, EPA (Washington, D.C.)  
MaryJo Moubry Feuerbach, EPA (New England Regional Office)  
Section Chief, Solid Waste Division, Mass. DEP Northeast Region  
Gerald McCall, Environmental Engineer, Mass. DEP Northeast Region



**North Beverly Environmental Action Committee**  
**Dominic Manzoli Secretary and Archivist**  
**775A Cabot Street**  
**Beverly MA 01915**

**February 17, 1999**

**Mr. Stephan Johnson**  
**Northeast Regional Office**  
**Massachusetts Department of Environmental Protection**  
**205A Lowell Street**  
**Wilmington, MA 01887**  
**FAX (978) 661-7615**

cc/p4

**Dear Mr Johnson,**

We are requesting another search of your files in order to bring our files up to date. We have secured an appointment through Polly Merachi at DEP, for this coming Friday. We wish to review and copy the following: Beverly Airport Industrial Road, DEP File # 5-582 also listed as Wetlands/ Beverly DEP File # 5-582.

We would also wish to review the Ransom Environmental Inc. latest remediation reports, 1998-99 of Beverly Airport, Former Casco Chemical /NIKE Site, and the Vitale Illegal Landfill Site. MA DEP Site Nos. 3-0230, 3,0231, and 3,0235

Please give these tracking numbers to Ms. Marachi at file search.

Another Vitale fly ash dump was detected during the excavating for Beverly Airport Industrial Connector Road. This makes a total of six contaminated sites within the Wenham Lake Reservoir Aquifer counting the one below Cherry Hill that has never been addressed and has recently been buried buy a mountain of new gravel brought onto this site. This gravel pit is noted on the 1985 USGS Salem Quadrangle topo map. Has testing been done? If not, why not?

The fly ash dump site uncovered at the end of runway #27 (east) referred to in the construction plans as airport road wetlands crossing #2, has been kept secret from the public for almost three years. Fly ash encountered here, has been removed. Where was it removed to? Where are the tracking papers? Was this the reason for the long delay in starting the airport road? This is another case of history repeating itself: our records show that the city of Beverly has been notorious in the past in hiding contamination from the public in the airport area. The Ransom Environmental Inc. firm, reported these findings only to the City of Beverly's Mayor Scanlon dated May 26, 1996. This discovery of another flyash dump is being minimized as is a threat to public health. The report states: "49 shallow core borings were made" with no attempt to determine the depth or extent of the flyash dump, or to determine if other contaminated rubbish is present in this area. Residents can attest to the fact that this wetland was used as a dump by the airport. The lower end of this wetland adjacent to Henderson Road was cleaned up by MA Electric during remediation of their site. This unpublished Ransom report to the mayor ends in

what we consider a very disturbing statement to the effect that "...coal fly ash does not represent a threat to the environment according to the Massachusetts Contingency Plan" (MCP) and does not require notification to the DEP." Our question is why only in this state? The Illinois Report and others tell a different fly ash story.

In one of our phone conversations in the past you stated that fly ash must be deposited only in a secure, lined land fill. At that time we were referring only to the gray fly ash present north of Henderson Road. You also told me that a Margo Thornton a sanitary engineer from the DEP, would study the Beverly flyash. Although we never met her in the field, we do have her three reports from DEP files: "Waste Dumping Near Beverly Airport" (January 3, 1984), " Vitale Fly Ash Site Investigation" (February 14, 1984), " Water Sampling at Vitale Fly Ash Site" (May 1984). This last report cautions that traces of at least 72 known carcinogens may be present in fly ash and includes "An Act To Classify Fly Ash and Bottom Ash as a Hazardous Problem," House Bill #1874, July 16, 1983.

Let us establish the fact that the Vitale Brothers Excavating Contractors, brothers to a popular city mayor of the period, mined and sold off the loam and gravel in the Beverly Airport area. They began operations from a garage on the airport. Records show they were responsible for excavating and filling around the airport area with rubbish covering it with fly ash. A typical reference for this would be the "Kelleher Well Boring Logs " July 25, 1986, on the 18-acre Vitale's site north of Henderson Road, where our present city mayor wishes to build skating rinks. Five test core borings here, shows rubbish and fly ash layered to a depth of 33 feet.

As you know, there are two basic types of fly ash here in Beverly. The gray in the toxic sites north of Henderson Road. There is no disputing the fact, that the source of this gray fly ash is the Salem Electric Power Plant. The blue/black type fly ash is referred to as manufactured gas waste (MGP) at the MA Electric/Filtech site south of Henderson Road. The source of this blue/black fly ash is a former coal degasification plant at the city of Lynn's south harbor. This MA Electric/Filtech site south of Henderson Road was remediated in the winter of 1994-95; however, contractors hired by MA Electric, after completing and revegetating this site were required to return to remove more fly ash left behind. In the process of cleaning up this site they had to go outside the boundary fencing to clean up this blue/black fly ash.

Records show that between 5,000 and 6,000 tons of this blue/black fly ash was excavated and removed for proper disposal, from the MA Electric/Filtech site.

We visually identify the fly ash uncovered in the airport road construction as this blue/black fly ash. This area on the road construction is 500 feet from the fenced -in corner of the MA Electric/Filtech site, (photos enclosed) connected by wetlands, and probably by the blue/black flyash. This city administration and the DEP is not investigating this possibility of a continual threat to the public water supply.

Mr. Johnson: in your letters of warning to the then, owner of the Filtech site prior to remediation titled, "Notice Of Responsibility" dated May 9, 1989 and February 12, 1990 you stated, "... this is particularly important given the location of the site in the watershed of Wenham Lake . Remedial measures are proposed to eliminate to the degree possible any adverse environmental or public health impacts." These wetlands originating

on the airport extends to the east through the MA Electric/Filtech property to behind the homes on Trask Street where it is common knowledge that this lower wetland was dammed with fly ash. Records show bacterial testing upstream in this wetland by the Beverly Board of Health in 1978 revealed coliform bacterial levels of approximately 14,000. This was untreated effluent from the 50 year old sewage sand filters on the airport on the western or airport end of these wetlands. As well as "2 or 3 compounds detected here" through the use of a portable gas chromatograph. Results of this testing appear in a preliminary study (October 14, 1987 published by IEP Inc. Hazardous Waste Specialists.

Today the wetlands are divided by the airport industrial road with complete disregard for the two sources of contamination. According to city and state officials the untreated sewage sand filters never existed and the flyash is being ignored.

Mr. Johnson: you know these sewage sand filters well, having spent five hours with me on a tour of these contaminated site sites. In the summer of 1984 you and I observed these sewage sand filters so full at that time, fecal matter was breaking out the sides. There was also a pipe discharging onto the top of the sand filters exposed to the atmosphere

This wetland, an east/west swale, drains the airport plateau, historically referred to as Birch Plains, and is a drinking water recharge area fed by ground and surface water from the 100 foot hills that have supplied Wenham Lake Reservoir for over 2 1/2 centuries with no apparent major inlet. This area on Beverly airport has been compromised many times by land-filling, placing aviation interests above a public drinking supply.

Pollution problems? Does anyone care? For most of the month of January and on into February, deep drilling and blasting is taking place daily in the construction of the Airport Industrial Connector Road within what is unquestionably the Wenham Lake Reservoir Aquifer. The present City of Beverly administration is in the process of removing two hills of ledge (bedrock outcroppings). One of these hills must be lowered because it abuts and is on the same level as the end of airport runway number 27 (east).

With the known, recorded, contaminated wetlands in between these hills of ledge, and chemically contaminated, federally listed, old land-fills abutting this area on four sides, blasting has increased the possibility of accelerating the movement of known contaminants through the ground water. This movement is inevitable. The Salem/Beverly water supply was once known as one of the purest and one of the first, drinking water aquifers in this country, It presently serves 80,000 people.

For the committee,



Dominic Manzoli Secretary and Archivist

North Beverly Environmental Action Committee  
Dominic Manzoli Secretary/Archivist  
775A Cabot Street  
Beverly MA 01915

March 3, 1999

Mr. James C. Colman, Assistant Commissioner  
Bureau of Waste Site Cleanup  
Massachusetts Department of Environmental Affairs  
One Winter Street  
Boston, MA 02108

copy

Re: Release tracking # Beverly Airport 3-0000230 and Wetlands/Beverly # 5-582

Dear Mr. Colman:

On February 22, 1999 we faxed you a letter we wrote to Mr. Steve Johnson at the DEP's Northeast Regional Office. After reading our February 17, 1999 letter to Mr. Johnson, you must be aware of our concerns. We believe that the MA DEP has completely neglected the Wenham Lake Reservoir Aquifer. The DEP has placed the responsibility for the drinking water supply for 80,000 people in the hands of two Licensed Site Professionals (LSP). The first one was hired by MA Electric to remediate the contaminated site south of Henderson Road, DEP MCP Case # 31319 (see assessors' map for the location of this and other sites referred to in this letter). The second LSP (Ransom Environmental Consultants) was hired by the City and is controlled by the present Mayor of Beverly, William F. Scanlon, Jr., a mayor with an aggressive agenda for industrial development within this aquifer. The Mayor has been withholding information concerning public safety and health: we are referring to Beverly Municipal Airport Master Plan Update and the remediation of all contaminated sites upgradient of our drinking water supply.

Newspaper articles (copies enclosed) appearing in 1989, 1990, 1991 record attempts to investigate various contaminated sites. No conclusive results, however, have occurred: no comprehensive ground water studies have been undertaken to determine the feasibility of large-scale development on the east side of the Beverly Airport area; no remediation has taken place at any of the contaminated sites. In the years 1967-1999, taxpayers' dollars have been misspent on reports that were ignored.

The North Beverly Environmental Action Committee petitioned DEP for a Public Involvement Plan (PIP) on May 27, 1989. Mayor Scanlon and Ransom Environmental Consultants, investigating the three contaminated sites north of Henderson Road, are not addressing all of the areas of critical concern on the airport. In addition, while in the process of remediation of these sites, they have failed to cooperate with the public by not disclosing vital information concerning our public water supply. Early on, Ransom refused to meet with us in the field or to accept the factual data we could have provided. The contaminated sites being remediated are a small portion of Beverly Municipal Airport, Army NIKE/Casco Chemical/Gurnard Machine Shop Site, and the Vitale Illegal,

Unassigned Land Fill Site: MA DEP Site Nos. 3-0230, 3-0231 and 3-0235. As an indication of the Mayor's disregard for the investigations, many semi box trailers have been parked around the Gurnard Machine Shop buildings as well as on the NIKE site. Why are these large trailers permitted on this property, which is currently under investigation (DEP #3-0231)?

At a PIP meeting Ransom stated they would not consider "Downgradient Property Status." May we point out that doing so would have included the Burnham Land Trust property, the Nickerson property in the town of Wenham, and fly ash deposits, which flow from a spring located 300 feet from shore. (These deposits are 4 feet in depth in the reservoir at low water.) The enclosed photos show that the fly ash spreads well into the reservoir.

Upgradient on the Beverly Airport the City and Ransom refused our request to include and investigate additional sites beyond their planned study areas, as suggested in an earlier Tighe & Bond Environmental Engineers' report (April, 1989), triggered by a DEP mandate (May 10, 1988, copy enclosed) to the City for a complete environmental investigation of the entire airport. Once again, however, the City chose to ignore the recommendations of the Tighe & Bond report. We learned from a public document obtained in January, 1999 that Mayor Scanlon in 1996 asked Ransom to investigate the wetland area where blue/black fly ash was uncovered during the present construction of the Airport Industrial Connector Road. Ransom complied, contradicting statements about their scope of work which they made at the PIP meeting (cited earlier). Thus having gone beyond the scope of work of the three sites north of Henderson Road, Ransom ignored the Tighe & Bond report as well as our past request to investigate the 50-year-old untreated sewage sand filters on the airport within these same wetlands.

Our file search on February 19, 1999 at the Northeast Regional Office was one of many searches of your files carried out over the years. Upon examination of DEP files on that day, the conclusion arrived at was obvious -- that personnel at DEP have pulled out much of the vital data concerning investigations of this Wenham Lake Reservoir Aquifer dating back at least 24 years. I now believe our files are more complete, with exception of the updated data we are seeking, which seems to be missing from your files.

DEP files, which we obtained through past searches, reveal correspondence between the MA Attorney General and DEP closing the Vitale case (April 15, 1980); reason given: "failure to prosecute." Consider what has transpired since that decision with the 5,000 to 6,000 tons of contaminated waste removed from just one site (south of Henderson Road, DEP MCP Case # 31319). Using the DEP numerical rating system, the Mayor and Ransom are again attempting to close the Vitale toxic Site # 3-0235 without a thorough investigation of this site as well as toxic Sites # 3-0230 and 3-0231.

We include in this letter one example, not contained in your files, which points out the deliberate, long-term neglect of this public water supply. In 1975 the MA Department of Public Health issued an order to the Vitale Contractors, responsible parties for the creation of illegal dumps in the Beverly Airport area. One order -- to cease and desist -- was titled "Tentative Decision," listing a finding of facts item #4, which states "Pollution of Wenham Lake, a source of public water supply, continues to occur from leachate and siltation from runoff from the site." The site, at that time was referring to the Vitales'

complete operations in the Beverly Airport area. To this date, there have never been siltation fences or hay bales to prevent migration of contaminants into a tributary feeding the reservoir approximately 2,000 feet away. The City of Beverly's industrial development agenda with MA DEP cooperation has been to "low key" the contaminated areas by not installing siltation fences or contamination warning signs. Only one such sign was posted, in 1994, but it was quickly removed. The City of Beverly placed IR (light industry) zoning on this aquifer many years ago. The widespread contamination in this area has delayed development until now. The intent today is to minimize past contamination and build on top of the land-fills. The records tell the truth, showing clearly that the only receptor for all surface and ground water from all of these contaminated sites is the Wenham Lake Reservoir. We invite the City of Beverly and the MA DEP to show us records to the contrary.

Included with this letter are a total of five photos showing the fly ash from the Vitale sites that has been allowed to erode into the reservoir. Three of the photos showing volumes of fly ash were taken on the 18-acre Vitale land fill (DEP Site # 3-0235). Two of the photos, one taken in 1987, the other in December, 1998 show a fly ash spring in the bottom of the reservoir at low water. It is obvious to us that by changing the topography of their site, the Vitales created a hidden direct route of fly-ash laden water to the reservoir via a bedrock fissure, probably feeding the reservoir spring shown in the 1987 and 1998 photos. Officials refuse to address the possibility of ground water flows to the reservoir via bedrock fissures. The City of Beverly, the MA DEP, and even the U.S. EPA, which investigated the fly ash issue in 1995 ("Stone & Webster Final SI/SIP Package, Vitale Fly ash L.P. Henderson Road Beverly MA") are not willing to address this "Downgradient Property Status." However, the Stone & Webster November 30, 1995 report at least considered the effects of fly ash 14 miles downstream, establishing an important fact that ground water movement in the reservoir is to the east and not to the south, as local and state officials would have us believe. This frequently repeated official position -- that ground water flows to the south, which we deem a hoax -- is the justification for approval of the Beverly Airport Industrial Connector Road through the Wenham Lake Reservoir Aquifer.

Today, construction of the Airport Industrial Connector Road is under way. The extent of the necessary removal of ledge was not revealed to the public during public hearings. With toxic land-fills on all sides, deep, intense blasting of two hills of ledge (bedrock outcroppings) on the airport is threatening this watershed. Extensive blasting has been taking place for most of the months of January and February, 1999 and is continuing. Extensive loads of gravel have been brought in to create level areas over highly irregular topography. (See elevations indicated on the enclosed aerial photos and elevations maps we have created based on USGS topo maps. See also photos that show a filled-in area that has divided a wetland, i.e., compare the January 10, 1999 photo with the February 7, 1999 photo.) The degree of blasting required, the amount of gravel that would be needed to create level areas were not disclosed during public hearings. With limited knowledge, citizens commented and raised questions as best they could on the issues of blasting and filling. The public has continued to comment on the perceived contamination

threat to the reservoir (see enclosed copies of Letters to the Editor published in the local newspapers).

In our last search of the DEP files we did not find the information we sought; therefore, we are requesting updated data describing all response actions to date on the airport road and the remediation data of the three toxic sites north of Henderson Road. Where are the hand auger reports of airport road areas which were carried out in the summer of 1997 by Michael Turgeon of DEP's Northeast Regional Office Wetlands Section? Are they not in the office of Mr. James Sprague, Wetlands Section Chief? Where are the reports on the Vitale Gravel Pit shown on the 1985 USGS Salem Quadrangle map below Cherry Hill, south of Beverly Airport Runway No. 34 (see enclosed assessors' map and the 1985 USGS topo map)? Was this gravel pit (or Vitale toxic dump) ever tested? If so, where are the test results? At Beverly Planning Board public hearings citizens raised these questions. The Board and City officials refused to respond. The pattern of silence has persisted. In January, 1999 this Cherry Hill area was buried under a mountain of gravel that was trucked in.

In February 1999, what appears to be a deep test hole was dug and left open along side of the airport road construction in the blue/black fly ash area previously cited and shown in 5 photos (enclosed) Who is testing? Where are the test results? Is this Manufactured Gas Waste (MGP) -- the same as the contaminated fly ash removed from the MA Electric/Filtech site (DEP MCP Site #31319) 500 feet from this location? Note that the MA Electric/Filtech site encompasses 10 acres and it is not known how much of this acreage is contaminated (see enclosed assessors' map for site location). Compare the color and texture of the fly ash in the Site # 31319 photo to the recently uncovered fly ash in the airport road construction photos. Does the flyash in all of these photos not appear identical? (See reference, cited earlier, to the 1996 Ransom core borings map of the construction area stapled to these 5 photos. The fly ash deposit was known to exist because the Mayor instructed Ransom to do the core borings; they in turn coordinated their work with Hayes Engineering, Inc, the company hired by the Mayor to handle the initial construction plans and public hearings for this project as well as the environmental reports and other data submitted to EOE, DEP, and the Army Corps of Engineers.)

Beverly's Mayor Scanlon has publicly announced plans for building on the sites north of Henderson Road. We believe these plans to be premature. Consider the history of the Vitale Contractors mining the airport area of its loam and gravel, replacing these soils with questionable rubbish, covering that with an unlimited supply of fly ash to a recorded depth of 33 feet on the 18-acre Vitale site (refer to the Kelleher Construction Co. "Well Boring Logs," July 25, 1986). How many more incidents will there be in the future similar to the recently uncovered fly ash dump in the construction of the airport industrial road? Also consider the additional blasting that will be required in this airport bedrock region for the purposes of industrial development. The city, the DEP and the EOE have been ignoring the 24 years of investigation within this aquifer, "white washing" the recorded contamination on all of these sites, showing arrogant disregard for this public water supply in favor of aviation and industrial development. Our records will confirm this arrogant

disregard of the Wenham Lake Reservoir Aquifer as the greatest blunder of this century affecting the communities of Salem, Beverly, and Wenham.

Upon consideration of the facts in this letter and its exhibits, we urge you to conduct an investigation. Answers must be provided to the questions we have raised and we must be allowed to view data from DEP files that we seek. The public has a right to know -- especially to know about the threat of contamination to its water supply. The DEP Northeast Regional Office has also ignored its responsibility under the Clean Water Act (401), which requires that a large industrial subdivision like the one envisioned along the Airport Industrial Connector Road must be considered as a single project and must not be judged as separate phases. The Wetlands Section in the DEP Northeast Regional Office received a letter dated August 14, 1997 urging its experts to apply the criteria for a single and complete project including all components of multi-phased activities (DEP File No. 582; 401 Certification Transmittal No. 117145). The following 401 regulations governing subdivision buildout were cited: 314 CMR 9.02 (Definitions: Activity, p. 237); 314 CMR 9.04(11) (Activities Requiring an Application: Discretionary Authority, p. 242); 314 CMR 9.09(4) (401 Water Quality Certification, p. 248). In order to understand the reasons the 401 regulations are not being followed and multi-phased activities are being allowed, we need to review DEP files from the Wetlands Section and any other Northeast Regional Office department which had input into the decision loosening the 401 regulations. Please look into the 401 Certification process as well. And may we have your assurance that we should be able to examine and copy any documents pertaining to the 401 Certificate? We look forward to hearing from you.

For the committee,

*Dominic Manzoli*  
Dominic Manzoli

cc:

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Environmental Protection Agency Wash. D.C.

Mr Robert Durand, Secretary  
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